

AMENDMENTS TO THE DRAWINGS

The attached submission of replacement drawings includes changes to FIGS. 1 and 1A, which have been labeled as Prior Art.

Attachment: Submission of Replacement Drawings

REMARKS

Claims 29-42 were pending. Claims 29 and 41 have been amended. Claims 43-48 have been added. Claims 29-48 are pending.

The specification has been objected to based on a non-descriptive title. The title has been amended to address this concern. The Office Action also indicates that a change is necessary on Page 2, paragraph [0006]. Applicants are not able to discern the described change and request clarification of the required correction.

The drawings have been objected to based on a lack of any legend indicating that FIGS. 1 and 1A are prior art. Replacement drawings are submitted with this response which include the prior art legend.

Claims 29-42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,750,069 to Durcan et al. Applicants respectfully request reconsideration of this rejection.

Claim 29 recites a magnetic random access memory cell comprising, *inter alia*, a “first magnetic layer,” a “nonmagnetic tunnel barrier layer over said first magnetic layer,” and a “second magnetic layer over said nonmagnetic tunnel barrier layer, said second magnetic layer comprising a second plurality of magnetic multilayer films, an upper layer of which includes a chemical mechanical polishing stop layer.”

Durcan et al. does not disclose a magnetic random access memory cell in which a second magnetic layer has an upper layer that includes “a chemical mechanical polishing stop layer.” The upper layer of the second magnetic member 89 taught by Durcan et al. is a second tantalum layer 83. Durcan et al. does not utilize chemical mechanical polishing (CMP) during fabrication so as to require a CMP stop-layer as the upper layer of the second magnetic layer. Instead, Durcan et al. patterns layers using ion milling or reactive plasma etch, and achieves closely-spaced memory cells with minimal distances or critical dimension (CD). Claim 29 is not anticipated by Durcan et al. Claims 30-40 and 42-44 depend from claim 29, and are patentable over Durcan et al. for the same reasons.

Claim 41 recites a memory circuit that includes a plurality of memory cells. Each memory cell includes, *inter alia*, “a first magnetic layer,” “a nonmagnetic tunnel barrier layer over said first magnetic layer,” and “a second magnetic layer over said nonmagnetic tunnel barrier layer, said second magnetic layer comprising a second plurality of magnetic multilayer films, an upper layer of which includes a chemical mechanical polishing stop layer.”

Durcan et al. does not disclose a magnetic random access memory cell in which a second magnetic layer has an upper layer that includes “a chemical mechanical polishing stop layer.” The upper layer of the second magnetic member 89 taught by Durcan et al. is a second tantalum layer 83. Durcan et al. does not utilize chemical mechanical polishing (CMP) during fabrication after deposition of the second magnetic layer, and so would not require it to have a CMP stop-layer as the upper layer. Instead, Durcan et al. uses ion milling or reactive plasma etch, and achieves closely-spaced memory cells with minimal critical dimension (CD). Claim 41 is not anticipated by Durcan et al.

New claims 45-48 are patentable over the reference to Durcan et al. In view of the above amendment, applicants believe this application is in condition for allowance.

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Respectfully submitted,

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